

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

4WEST, LLC, *et al.*,

Plaintiffs/Counter-
Defendants,

v.

AUTO-OWNERS (MUT.)
INS. CO.,

Defendant/Counter-
Claimant.

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Case No. 3:22-cv-59

Judge Walter H. Rice

DECISION AND ENTRY SUSTAINING MOTION TO WITHDRAW OF
JOSEPH W. STADNICAR AS ATTORNEY FOR PLAINTIFFS AND
COUNTER-DEFENDANTS 4WEST, LLC AND JOSEPH W. HULL (DOC.
#49); DEFENDANT/COUNTER-CLAIMANT AUTO OWNERS (MUT.) INS.
CO.'S COUNTERCLAIMS (DOC. #26) DISMISSED WITHOUT
PREJUDICE TO REFILING; AUTO OWNERS' MOTION FOR JURY VIEW
(DOC. #28) AND MOTIONS *IN LIMINE* (DOCS. #29, 30, 31)
OVERRULED AS MOOT; JUDGMENT TO ENTER IN FAVOR OF
DEFENDANT AND AGAINST PLAINTIFFS; DIRECTIONS TO
DEFENDANT; TERMINATION ENTRY

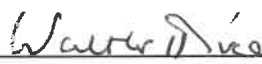
Before the Court is the Joseph W. Stadnicar's Motion to Withdraw as Counsel for Plaintiffs 4West, LLC and Robert W. Hull ("Motion"), filed on September 22, 2023. (Doc. #49). On October 24, 2023, this Court held a telephonic hearing on the Motion, at which Mr. Stadnicar and Brian Winchester, counsel for Defendant Auto-Owners (Mutual) Insurance Company, attended. Plaintiffs' counsel, at the request of the Court

prior to withdrawing, asked Mr. Stadnicar to notify Plaintiff Hull that he was welcome to attend the hearing. Although the message was communicated, Plaintiff Hull neither participated nor attended. On concluding that the attorney-client relationship had irreparably broken down, the Court ruled that Mr. Stadnicar could withdraw as counsel for Plaintiffs. In light of that ruling, Mr. Stadnicar's Motion (Doc. #49) is SUSTAINED.

The Court also indicated in the hearing to Mr. Winchester, Defendant's counsel, that he was to file, within twenty (20) days after the hearing, a notice to the Court as to whether Defendant sought to maintain its Counterclaim (Doc. #26) against Plaintiffs, and whether Defendant sought to recover attorney fees and expenses against Plaintiffs. As more than twenty days have elapsed and there has been no filing, the Counterclaim is DISMISSED WITHOUT PREJUDICE to refiling as a new complaint. Defendant may, if it wishes, take an additional ten (10) days from the date of this filing to file a motion for attorney's fees and costs. Defendant's Motion for Jury View (Doc. #28) and Motions *In Limine* (Docs. #29, 30, 31) are OVERRULED AS MOOT. As Defendant's Motion for Judgment on the Pleadings (Doc. #27) was sustained in relevant part (Decision and Entry, Doc. #51), and Plaintiffs have no pending claims against Defendant, judgment shall enter in favor of Defendant and against Plaintiffs.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

November 21, 2023



WALTER H. RICE, JUDGE
UNITED STATES DISTRICT COURT